

CALIFORNIA APPRENTICESHIP COUNCIL
INITIAL STATEMENT OF REASONS FOR
PROPOSED ACTION TO AMEND
CALIFORNIA CODE OF REGULATIONS, TITLE 8, CHAPTER 2, PART IV,
SECTION 230.1

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INITIAL STATEMENT OF REASONS

PURPOSE AND RATIONALE:

The California Apprenticeship Council ("CAC") is charged with authority under Labor Code section 1777.7 to adopt regulations to interpret and make specific the provisions of Labor Code section 1777.5 regarding the provisions for employment of apprentices on public works.

Tit. 8, California Code of Regulations, section 230.1 ("Regulation 230.1") is the regulation by which the CAC has interpreted Labor Code section 1777.5. The CAC has adopted an amendment to Regulation 230.1(a) to provide as follows:

The proposed amendment to subsection (a) of Regulation 230.1 is intended to clarify the requirement for requests for the dispatch of apprentices, and to reinforce the consistency and fairness in the dispatch of apprentices. Current regulations obligate contractors on public works to employ apprentices on public works projects at a ratio of no less than 1 hour for every 5 journeyman hours worked. This ensures that indentured apprentices receive jobsite training critical to their acquiring needed hard skills. Contractors can currently achieve compliance by simply requesting dispatch of an apprentice. There is no minimum length of time for which such request must be made and if contractors makes a request and no apprentice is dispatched the contractor is in compliance. It is recognized throughout the apprentice community that certain unscrupulous public works contractors do not want to employ apprentices. In this circumstance, certain contractors have made a practice of requesting dispatch of an apprentice for an unreasonably short time frame, i.e. two (2) hours of work. Such dispatch requests are typically rejected for several reasons, including but not limited to, that there is virtually no chance that any meaningful training could occur in such a short time frame, and many construction jobs are located far from where an apprentice lives and the cost of transportation to and from the job far outweighs the wages paid for such a short job.

The proposed amendment is intended to discourage what the broad apprenticeship community recognizes as "bad-faith" requests where a contractor seeks to be in compliance with hiring apprentices on public works jobs without hiring and training any apprentices. It is also intended to require public works contractors to take their obligation to train apprentices more seriously by organizing their periods of apprentice employment to maximize reasonably continuous employment and therefore concentrate apprentice training on a project by requiring each dispatch to be for no less than 8 hours or 20% of the anticipated apprentice hours on a project.

SPECIFIC TECHNOLOGIES OR EQUIPMENT: The proposed regulation does not mandate the use of specific technologies or equipment.

TECHNICAL, THEORETICAL, EMPIRICAL, OR OTHER STUDIES: The proposed regulation is not based on a consideration of any technical, theoretical, empirical or other studies.

ALTERNATIVES: The CAC has not formally considered alternatives to the proposed action. The proposed change to the regulation was a result of public discussion during a "Standards, Rules, Regulations & Operating Procedures" committee meeting during a California

Apprenticeship Council Quarterly Meeting. The public is invited to provide comments and suggestions regarding alternatives during the comment period. The proposed action is not expected to have an adverse impact on small businesses, as the regulation does not impose any significant economic impact independent of the statutes which it implements.